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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
08/789,386	01/28/97	PILDNER	R WH 9566US

LM32/0522

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EXAMINER	
LA, A	
ART UNIT	PAPER NUMBER
2736	6

DATE MAILED: 05/22/98

Please find below a communication from the EXAMINER in charge of this application.

Commissioner of Patents

Office Action Summary	Application No. 08/789,386	Applicant(s) Pildner et al
	Examiner Anh La	Group Art Unit 2617

☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) *1-9* is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☒ Claim(s) *1-6* is/are allowed.

☒ Claim(s) *7-9* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

The drawings are objected to because reference numerals 3, 5, are not in the drawings as stated on page 3, lines 3 and 11.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 4849635). Sugimoto discloses an infrared intrusion detector (1) comprising a PIR receiver (1) associated with a lens (11) focusing arrangement, said lens focusing arrangement focusing IR signals from selective vertically separated segments (figure 1) of a space to be monitored and defining nonactive zones (see figure 1) between adjacent selective segments (S1-S5), said selective segments and said nonactive zones being arranged such that at ground level a domestic cat has insufficient effect on adjacent segments to have IR radiation therefrom (column 3, lines 30-39) and received by said PIR receiver to satisfy a minimum value indicating an intruder is present while there is sufficient effect due to the larger size of a human intruder to have said receiver receive sufficient radiation to exceed said minimum value (abstract). However, Sugimoto does not specify the distance being located anywhere between six and twenty feet from the detector. However, it would have been a matter of design choice for a person having ordinary

skill in the art to select a distance anywhere between six and twenty feet from the detector for the purpose of accurately activating the signal from the detector.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto (US 4849635) in view of Biersdorff and Pfister et al. Sugimoto discloses a passive IR detector (1) for mounting at an elevated position, said detector comprising a PIR receiver (1) and an associated lens (11) arrangement which divides the monitored space vertically to define active zones (S1-S5) separated by nonresponsive zones (see figure 1), said PIR receiver evaluating the received IR radiation from said active zones relative to a minimum threshold for producing an alarm signal (figure 3), said active and nonactive zones being sized such that a cat at ground level insufficient with said active zones whereby the PIR receiver receives insufficient IR radiation from the cat to exceed the minimum threshold (abstract and column 3, lines 30-39). Sugimoto does not disclose 1) the horizontal active zones, 2) the specific distance within 25 feet of the detector, 3) the overlapped active zone and 4) a processor. Biersdorff discloses a passive infrared detector (10) having a lens (12) defining both horizontal and vertical active zone (figures 7 and 8) and the active zones being overlapped (see figure 8). Pfister et al discloses a passive infrared detector having a processor (see figure 3). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the detector in Sugimoto to have the active zones being both horizontal and vertical as taught by Biersdorff for the purpose of continuously monitoring the whole space, and to have overlapped active zones as taught by Biersdorff for the

purpose of increasing sensitivity of the detector to the human intruder. Also, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the detector in Sugimoto to have a processor as taught by Pfister et al for the purpose of evaluating the received IR radiation from the active zones relative to a minimum threshold for producing the alarm signal. Furthermore, it would have been a matter of design choice for a person having ordinary skill in the art to select a distance anywhere within 25 feet from the detector of Sugimoto for the purpose of accurately activating the signal from the detector.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimotor (5461231) in view of Sugimoto (US 4849635). US 5461231 discloses a wallmount PIR detector comprising two sensors (3, 4), each having an associated lens arrangement (2a, 2b), which collectively focus IR radiation from selected beam-like regions within a monitored space onto the associated sensor (see figure 6) horizontally and vertically for distinguish between human intruder and nonhuman intruder to produce an alarm signal. U.S. 5461231 does not disclose a select group of said beam-like regions defining ground level responsive zones within about twenty feet of the detector and within about two feet of ground level which beam-like regions have sufficient nonresponsive zones therebetween such that a domestic cat or similar pet moving through said ground level active zones fails to produce sufficient IR radiation received by said sensors to produce an alarm signal. US 4849635 discloses an infrared detector (1) having a select group of said beam-like regions defining ground level responsive zones (S1-S5) which

beam-like regions have sufficient nonresponsive zones (figure 1) therebetween such that a domestic cat or similar pet moving through said ground level active zones fails to produce sufficient IR radiation received by said sensors to produce an alarm signal (abstract and column 3, lines 30-39). It would have been obvious at the time the invention was made to a person having ordinary skill in the art to have a nonresponsive zones and responsive zones in US 5461231 as taught by US 4849635 for the purpose of continuously monitoring the whole space. Regarding the specific distance, it would have been a matter of design choice for a person having ordinary skill in the art to select a distance anywhere between two feet above the ground level and twenty feet from the detector for the purpose of accurately activating the signal from the detector.

Claims 1-6 are allowed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Peterson et al discloses an intrusion alarm with independent trouble evaluation.

Muller et al discloses a range insensitive infrared intrusion detector.

Pedtke et al discloses an intruder detection system with false-alarm-minimizing circuitry.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner La whose telephone number is (703) 305-3967. The examiner can normally be reached on Monday--Friday from 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffery Hofsass, can be reached on (703)-305-4717. The fax phone number for this Group is (703)305-3988 .

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

JEFFREY HOFSASS
SUPERVISORY PATENT EXAMINER
GROUP 2600

Anh V. La
May 23, 1997